

Message Text

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TO SECSTATE WASHDC IMMEDIATE 3264

INFO USMISSION USBERLIN

AMEMBASSY BERLIN

AMEMBASSY PARIS

AMEMBASSY LONDON

USMISSION NATO BRUSSELS

AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 01 OF 02 BONN 15995

E.O.11652: GDS

TAGS: PFOR GW UR WB

SUBJECT: FRG-USSR BILATERALS IN NEW YORK

REFS: (A) USBER 1948; (B) BONN 15460; (C) BONN 15583

SUMMARY. FRG FOREIGN OFFICE COUNTRY DIRECTOR FOR USSR (KUEHN) HAS BRIEFED EMBOFFS ON FRG-USSR BILATERALS WHICH TOOK PLACE ON MARGIN OF UNGA. TALKS FOCUSED EXCLUSIVELY ON THREE PENDING AGREEMENTS WHICH ARE HUNG UP ON POINT OF INCLUSION OF BERLIN AND BERLINERS. KUEHN SAID HE EXPECTED QUICK AGREEMENT ON AN IMPLEMENTING BIENNIAL PROTOCOL TO THE CULTURAL AGREEMENT, SAW NO SOLUTION REGARDING SCIENTIFIC AND TECHNOLOGICAL COOPERATION AGREEMENT, AND WAS OPTIMISTIC ON LEGAL ASSISTANCE ARRANGEMENT. END SUMMARY.

1. KUEHN, WHO PARTICIPATED IN FRG-USSR BILATERAL TALKS
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IN NEW YORK, SAID THE SOVIETS HAD SUGGESTED THAT THE

DISCUSSIONS BE HELD. THE SOVIETS HAD REALIZED THAT THE CONTINUING EXPERT TALKS IN BONN ON THE THREE MATTERS HAD REACHED STALEMATE. THEY HAD SUGGESTED NEW YORK TALKS AS MEANS OF ELEVATING THE LEVEL OF CONTACT AND PERHAPS REACHING BREAKTHROUGH. THE FRG TEAM OF VAN WELL, FLEISCHAUER (LEGAL DEPT) AND KUEHN MET WITH THE USSR INTERLOCUTORS -- KVITSINSKIY, KOPTELTIEV, AND BONDARENKO -- ON THREE SEPARATE OCCASIONS. THEY WERE THEN JOINED BY GENSCHER AND GROMYKO FOR TWO ADDITIONAL MEETINGS. KUEHN SAID THE TWO MINISTERS SPENT AN AMAZING AMOUNT OF TIME DISCUSSING THE SMALLEST DETAILS OF BERLIN INCLUSION IN THE THREE AGREEMENTS.

2. IMPLEMENTING PROTOCOL TO THE CULTURAL AGREEMENT. FRG FOREIGN OFFICE DEPUTY CHIEF OF CULTURAL POLICY DEPARTMENT, SCHOEDEL, WILL BE GOING TO MOSCOW IN EARLY OCTOBER TO WRAP UP TEN POINTS STILL OUTSTANDING, NONE OF WHICH CONCERN BERLIN. KUEHN EXPECTED FINALIZATION TO TAKE ABOUT A WEEK OF TALKS. AGREEMENT TO INCLUDE BERLIN GROUPS IN THE PROTOCOL, AND A CLARIFICATION FROM THE SOVIETS THAT SUCH INCLUSION WOULD NOT PRECLUDE OTHER CULTURAL CONTACTS BETWEEN BERLIN AND THE USSR, HAD BEEN OBTAINED IN THE GENSCHER-GROMYKO DISCUSSIONS. LARGE CULTURAL GROUPS (SUCH AS ORCHESTRAS) WOULD BE SPECIFIED IN THE AGREEMENT AND WOULD INCLUDE TWO GROUPS FROM BERLIN. INDIVIDUALS, INCLUDING BERLINERS, WOULD NOT BE SPECIFICALLY INCLUDED BY NAME IN THE AGREEMENT, BUT WOULD BE IDENTIFIED BY ADDRESS WHEN EXCHANGES TAKE PLACE. BOTH SIDES STATED AGREEMENT THAT THEY WOULD TRY TO AVOID DIFFICULTY IN IMPLEMENTING THE CULTURAL AGREEMENT. KUEHN SAID THAT PROBLEMS COULD NEVER BE EXCLUDED WHEN DEALING WITH THE SOVIETS, PARTICULARLY WHERE BERLIN WAS INVOLVED. HE DID NOT EXPECT, HOWEVER, THAT THESE WOULD BE MAJOR OR WOULD BLOCK AGREEMENT. KUEHN EXPECTS THAT THE AGREEMENT WILL BE READY FOR FORMAL ACTION IN TIME FOR SCHEEL'S VISIT TO USSR IN NOVEMBER.

3. SCIENTIFIC AND TECHNOLOGICAL COOPERATION. KUEHN SEES NO SOLUTION. BOTH SIDES REMAIN VERY FAR APART
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ON BERGFV THE OTHER PARTS OF THE AGREEMENT HAVE BEEN AGREED IN PRINCIPLE SINCE 1973. GROMYKO'S SUGGESTION MADE TO GENSCHER LAST NOVEMBER (SEE BONN 17186, NOVEMBER 2, 1974) THAT ACTUAL ARRANGEMENTS UNDER THE AGREEMENT BE MADE BY RESPECTIVE MINISTRIES WITH INCLUSION OF GENERAL PRINCIPLE THAT NO INDIVIDUAL MAY BE EXCLUDED BECAUSE OF PLACE OF RESIDENCE OR PROFESSION-AL ACTIVITY HAD NOT IN FACT LED TO SOLUTION. IN SEEKING

TO CLARIFY THE PROPOSAL, BONN HAD BEEN SURPRISED TO BE TOLD THAT HEADS AND DEPUTY HEADS OF FRG OFFICES LOCATED IN BERLIN WOULD BE EXCLUDED FROM THIS "GENERAL PRINCIPLE." KUEHN SAID THAT SOVIETS HAD MADE SOME FURTHER SUGGESTIONS IN NEW YORK, BUT THEY WERE SO VAGUE THAT THE FRG DECIDED THINGS HAD NOT MATURED TO POINT WHERE AGREEMENT POSSIBLE. IT WAS THUS LEFT THAT THERE WOULD BE FURTHER TALKS ON THE "EXPERT LEVEL" IN

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BONN, THOUGH NO MEETINGS WERE SCHEDULED. BONN'S VIEW IS THAT THE USSR IS MUCH MORE INTERESTED IN THIS AGREEMENT THAN FRG, AND MOSCOW CAN BE EXPECTED TO COME BACK TO IT.

4. LEGAL ASSISTANCE. KUEHN SAID THE POSITIONS OF THE

TWO HAVE COME CLOSER AND, WHILE ONE MORE ROUND WAS NEEDED WITH SOVIETS TO WORK OUT DETAILS AND CONSULTATIONS WITH THE LAENDER WERE REQUIRED, AGREEMENT PROBABLY NOT FAR AWAY. HE DID NOT EXPECT FINALIZATION BY NOVEMBER 10 (SCHEEL VISIT TO USSR) BUT THOUGHT THAT THINGS WILL HAVE MOVED FAR ENOUGH BY THEN FOR SCHEEL TO BE ABLE TO EXPRESS PUBLICLY SATISFACTION AT PROGRESS. THE PRINCIPLE OF THE AGREEMENT WOULD BE DIRECT DEALINGS BETWEEN JUSTICE MINISTRIES OF THE FRG LAENDER AND THE MINISTRIES OF THE INDIVIDUAL SOVIET REPUBLICS. AGREE-CONFIDENTIAL

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MENT WOULD COVER ONLY CIVIL AND ADMINISTRATIVE LAW. MAJOR POINT OF FRG CONCERN YET TO BE RESOLVED IS TO ENSURE THAT BERLIN ARRANGEMENT IS NOT INTERPRETED AS SEPARATE USSR-SENAT AGREEMENT. KUEHN SAID THE SOVIETS INDICATED THEY WOULD AT SOME POINT "INFORM" THE THREE ALLIES OF THE FINAL ARRANGEMENT REGARDING BERLIN.

5. ATMOSPHERICS. KUEHN SAID THERE WAS NO SOVIET COMPLAINING ABOUT QA "VIOLATIONS" BY FRG. THERE WERE NO NEGATIVE ATMOSPHERICS AND THE TALKS PROCEEDED ON BUSINESSLIKE AND EVEN FRIENDLY BASIS. KUEHN BELIEVES GROMYKO ATTACHED SOME IMPORTANCE TO EXPRESSING SOVIET POSITION THAT USSR WISHED TO PROCEED WITH BETTER FRG-SOVIET RELATIONS. KUEHN INDICATED THIS WAS OF PARTICULAR INTEREST SINCE IT APPEARED AS IF A POLICY DECISION HAD RECENTLY BEEN TAKEN ON SUBJECT IN MOSCOW.

6. THE SOVIET DESIRE THAT GENSCHER SCHEDULE A VISIT TO MOSCOW SEPARATE FROM SCHEEL ALSO AROSE. THE OUTCOME OF THIS DISCUSSION IS THAT GENSCHER WILL CARRY OUT A PROGRAM OF CONSULTATIONS DURING THE SCHEEL VISIT AND MAY STAY IN MOSCOW A FEW DAYS LONGER THAN SCHEEL DOES IN ORDER TO DO SO, BUT HE DOES NOT PLAN A SEPARATE VISIT AT THIS TIME.

7. COMMENT. WE WOULD NOT WANT TO BELITTLE EVEN THE SMALL AMOUNT OF PROGRESS WHICH APPARENTLY WAS MADE IN NEW YORK. THE PROBLEMS INVOLVED ARE FUNDAMENTAL TO EACH SIDE'S POSITION ON BERLIN. AT THE SAME TIME, BECAUSE THE PROBLEMS ARE SO FUNDAMENTAL, WE WOULD NOT BE SURPRISED IF AGREEMENT ON LEGAL ASSISTANCE CONTINUED TO ELUDE BONN AND MOSCOW, OR IF THE SOVIETS WERE TO FIGHT EVERY INCH OF THE WAY WHEN IT COMES TO ACTUAL IMPLEMENTATION OF THE CULTURAL AGREEMENT. KUEHN SO MUCH AS SAID HE EXPECTS PROBLEMS WHENEVER A BERLIN CULTURAL GROUP PERFORMS IN THE SOVIET UNION, AND USBER (REF A) HAS REPORTED HERZ' SIMILAR THOUGHTS. THERE IS NO FRG DOMESTIC PRESSURE FOR AGREEMENT. ON

THE CONTRARY, THE OPPOSITION AND A GOOD PORTION OF THE
PUBLIC HAVE A SKEPTICAL EYE FOCUSED ON THE FRG-USSR
BILATERAL RELATIONSHIP, AND THE FEDERAL GOVERNMENT WILL
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HAVE TO BE ABLE TO DEFEND WHATEVER IT DOES HERE BEFORE
THE BUNDESTAG AND O THE PUBLIC. IT SEEMS TO US THAT
THE ONLY STRONG INCLINATION HERE FOR AGREEMENT WOULD
COME ABOUT SHOULD THE SOVIETS INDICATE THAT BIGGER
THINGS WERE POSSIBLE. HOWEVER, KUEHN SAID THE
BILATERALS IN NEW YORK WERE LIMITED SOLELY TO THE
THREE ITEMS REPORTED ABOVE.
HILLENBRAND

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